

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Lance Phillip Wickner,

Civil No. 09-940 (DWF/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Nanette Larson, Jessica Symmes,  
Kent Grandlienard, Peter Puffer,  
Lcie Stevenson, Mike Green, and  
Lieutenant Tobritzhofer, all sued  
in their individual capacities,

Defendants.

---

Lance Phillip Wickner, *Pro Se*, Plaintiff.

Margaret E. Jacot, Assistant Attorney General, Minnesota Attorney General's Office,  
counsel for Defendants.

---

This matter is before the Court upon Plaintiff Lance P. Wickner's ("Plaintiff") objections to Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated October 28, 2009, recommending that Plaintiff's Motion for Preliminary Injunction be denied. Defendants have filed a memorandum opposing Plaintiff's objections. The Court has reviewed Plaintiff's objections. Those objections can be properly characterized as relating to failure to appoint counsel and Plaintiff's assertion that the result would have been different with counsel.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

### **ORDER**

1. Plaintiff Lance Phillip Wickner's objections (Doc. No. 39) to Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated October 28, 2009, are **DENIED**.

2. Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated October 28, 2009 (Doc. No. 38), is **ADOPTED**.

3. Plaintiff's Motion for Preliminary Injunction (Doc. No. 13), is **DENIED**.

Dated: January 8, 2010

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge